



<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/082,018-Conf. #8070
	Filing Date	February 20, 2002
	First Named Inventor	Li-How Chen
	Art Unit	1632
	Examiner Name	D. Crouch
Total Number of Pages in This Submission	Attorney Docket Number	G0744.70031US03

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of Previously filed
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Reply to Notice of Allowance
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	and Part B – Fee(s) Transmittal
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		Copy of Notice of Abandonment
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		Copy of postcard showing USPTO receipt
		Return Receipt Postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Janice A. Vatland		
Date	September 22, 2006	Reg. No.	52,318

**Certificate of Mailing Under 37 CFR 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 9/22/06

Signature:

(Michelle M. Quinn)



**U.S. PATENT OFFICE FILING**

Date Mailed: September 10, 2004

Attorney Docket No.: GTC-39C

Applicant: Chen et al.

Serial No.: 10/082,018

Attorney: Byron Olsen

Filing Date: 02/20/2002

Title of Invention:

Novel Modified MSP-1 Nucleic Acid Sequences and  
Methods for Increasing MRNA Levels and Protein  
Expression in Cell Systems

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ne Request

sequence Listing and  
per copy and 1 disk)

ply

ssing Parts

☒ Certificate of Mailing

☒ Express Mail Label No.: EV 491295728 US

**THE U.S. PATENT & TRADEMARK OFFICE ACKNOWLEDGES RECEIPT OF:**

☐ Provisional Application for Patent Cover Sheet

☐ Utility Patent Application Transmittal

☐ Fee Transmittal Form

☐ \_\_\_\_\_ pages Specification

☐ \_\_\_\_\_ sheets Drawings

☐ Declaration and Power of Attorney

☐ Assignment Papers

☐ Non Publication Request (PTO/SB/35)

☐ Information Disclosure Statement (PTO-1449)

☐ Copies of IDS Citations

☐ Other:

☐ Response to Missing Parts

☐ Amendment/Reply

☐ Transmittal of Sequence Listing and

☐ Amendment (paper copy and 1 disk)

☐ Extension of Time Request

☐ Notice of Appeal

☐ Appeal Brief

☒ Issue Fee Transmittal

☒ IAP10

MAY 10 2006

☒ PATENT & TRADEMARK OFFICE

0, 2004



# UNITED STATES PATENT AND TRADEMARK OFFICE

JAV

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,018	02/20/2002	Li How Chen	10275-133002 / GTC-39C US	8070
23628	7590	08/28/2006	EXAMINER CROUCH, DEBORAH	
WOLF GREENFIELD & SACKS, PC FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			ART UNIT 1632	
			PAPER NUMBER	
			DATE MAILED: 08/28/2006	



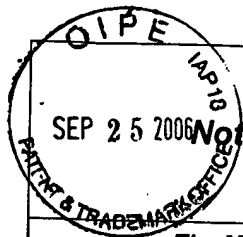
Please find below and/or attached an Office communication concerning this application or proceeding.

6 0744. 70031 U503

Confirmation	<input type="checkbox"/>	Initials
Docketing	<input checked="" type="checkbox"/>	Pa
09/28/06		

JAV

DOCKETED
SEP 06 2006



# Notice of Abandonment

Application No.

10/082,018

Examiner

CROUCH

Applicant(s)

CHEN

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☒ The submitted fee of \$300 is insufficient. A balance of \$700 is due.  
The issue fee required by 37 CFR 1.18 is \$700. The publication fee, if required by 37 CFR 1.18(d), is \$300.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Igd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## Attachment to Notice of Abandonment

For questions concerning the notice contact  
**Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### Respond to the Notice of Abandonment by one of the following:

**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing; or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

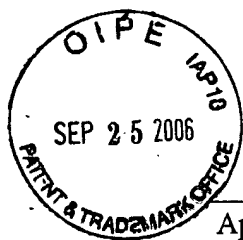
**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Li How Chen et al.**

Art Unit No.: **1632**

Application No.: **10/082,018**

Examiner: **D. Crouch**

Filed: **February 20, 2002**

For: **NOVEL MODIFIED NUCLEIC ACID SEQUENCES AND METHODS FOR INCREASING mRNA LEVELS & PROTEIN EXPRESSION IN CELL SYSTEMS**

Attorney Docket Number: **GTC-39C**

**Mail Stop Issue Fee**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO NOTICE OF ALLOWANCE**

In response to the Notice of Allowance mailed April 25, 2006, enclosed is a completed issue fee transmittal form PTOL-85b.

Applicant's hereby claim, confirm and verify small entity status.

Other than the required fee of \$1000 in connection with the issue fee and the required fee for patent copies in the amount of \$30.00, no additional fees are deemed necessary in connection with the filing of this Response. However, the Commissioner is authorized to charge any fee which may now or hereafter be due for this application to GTC Biotherapeutics' Deposit Account No. 502092.

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

EV491295728

Express Mail Label No.

May 10, 2006

Date

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail with return receipt requested to Addressee service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dawn C. Greenaway  
Dawn C. Greenaway

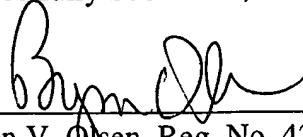
Early and favorable action is earnestly solicited.

Date: \_\_\_\_\_

5/10/06

Respectfully Submitted,

By: \_\_\_\_\_

  
Byron V. Olsen, Reg. No. 42,960  
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Tel. # (508) 370-5150  
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